

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

BEDFORD

County

For Prothonotary Use Only:

Docket No:

468-2 SUMMER 26 AM 9:27

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A	Commencement of Action: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Declaration of Taking	
	Lead Plaintiff's Name: JESSICA E. SMITH and CHRISTOPHER S. SMITH	Lead Defendant's Name: GREGORY J. POCKL and EAN HOLDINGS, LLC
	Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: (check one) <input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits
	Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Name of Plaintiff/Appellant's Attorney: Thomas P. Finn, Esquire <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B	Nature of the Case: Place an "X" to the left of the <u>ONE</u> case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.		
	TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	CIVIL APPEALS Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
	MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____
	PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

EXHIBIT "A"

Updated 1/1/2011

IN THE COURT OF COMMON PLEAS OF BEDFORD COUNTY, PENNSYLVANIA

JESSICA E. SMITH and
CHRISTOPHER S. SMITH,

Plaintiffs

vs.

GREGORY J. POCKL and
EAN HOLDINGS, LLC,

Defendants

CIVIL NO. 428-2019

JURY TRIAL DEMANDED

CIVIL COMPLAINT

Filed on Behalf of Plaintiffs:
Jessica E. Smith and Christopher S. Smith

Counsel of Record for Filing Party:
Thomas P. Finn, Esquire
PA I.D. No. 61960

WAGNER & FINN Attorneys at Law, P.C.
153 Lakemont Park Boulevard
Altoona, PA 16602
Phone: (814)944-4700
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CLERK OF ORPHANS COURT

2019 APR 26 AM 9:27

FILED

IN THE COURT OF COMMON PLEAS OF BEDFORD COUNTY, PENNSYLVANIA

JESSICA E. SMITH and
CHRISTOPHER S. SMITH,

Plaintiffs

vs.

GREGORY J. POCKL and
EAN HOLDINGS, LLC,

Defendants

CIVIL NO.

JURY TRIAL DEMANDED

NOTICE TO DEFEND

TO: GREGORY J. POCKL
EAN HOLDINGS, LLC

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or obligations to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this Notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help.

Office of Prothonotary
Bedford County Courthouse
200 S. Juliana Street
Bedford, PA 15522



Thomas P. Finn, Esquire
WAGNER & FINN Attorneys at Law, P.C.
153 Lakemont Park Boulevard
Altoona, PA 16601
(814) 944-4700

IN THE COURT OF COMMON PLEAS OF BEDFORD COUNTY, PENNSYLVANIA

JESSICA E. SMITH and	:	CIVIL NO.
CHRISTOPHER S. SMITH,	:	
	:	
Plaintiffs	:	
vs.	:	
	:	JURY TRIAL DEMANDED
GREGORY J. POCKL and	:	
EAN HOLDINGS, LLC,	:	
	:	
Defendants	:	

CIVIL COMPLAINT

AND NOW, comes the Plaintiffs, Jessica E. Smith and Christopher S. Smith, by and through their attorney of record, Thomas P. Finn, Esquire of Wagner & Finn Attorneys at Law, P.C. and files the foregoing Civil Complaint averring as follows:

1. Plaintiffs, Jessica E. Smith and Christopher S. Smith, are adult, married individuals residing at 2488 Schenck Road, Wells Tannery, PA 16691.
2. Defendant, Gregory J. Pockl, is an adult individual with an address of 4996 Pebblehurst Drive, Stow, OH 44224.
3. Defendant, EAN Holdings, LLC, is a Limited Liability Company, with a registered address of 14002 E 21st Street, Suite 1500, Tulsa, OK 74134
4. On or about September 18, 2017 at approximately 4:13 p.m., Plaintiff, Jessica E. Smith, was operating a 2015 Chevrolet Silverado Pick-Up Truck on Route 30, also known as the Lincoln Highway, in East Providence Township, Breezewood, PA. Jessica's three-year-old daughter was also traveling in the vehicle.
5. At all relevant times herein, Plaintiff, Jessica Smith, was operating her vehicle in a lawful and proper manner while traveling in a westerly direction on the aforesaid road.

6. On the date in question, Defendant, Gregory Pockl, was operating a motor vehicle which was owned by Defendant, EAN Holdings. In particular, Defendant Pockl was operating a 2017 Jeep Grand Cherokee which was owned by Defendant, EAN Holdings, LLC. Defendant Pockl was driving and operating the vehicle with the permission of Defendant, EAN Holdings, LLC.

7. As the Plaintiff, Jessica Smith, was driving in a westerly direction on State Route 30, Defendant Pockl suddenly, and unexpectedly, pulled out from the Gateway Travel Plaza in an attempt to cross the westerly lane of State Route 30 and to proceed onto the easterly lane of State Route 30 for purposes of entering the Pennsylvania Turnpike. Defendant Pockl pulled out in a manner which did not provide him sufficient clearance to cross the westerly lanes of travel for State Route 30 nor to allow Plaintiff Smith to slow her vehicle or bring her vehicle to a stop.

8. As a result of the actions of Defendant Pockl there was a collision between Plaintiff, Jessica Smith's vehicle and the vehicle being driven by Defendant Pockl.

9. As a direct and proximate result of this accident, Plaintiff, Jessica Smith, sustained injuries, including, but not limited to, closed head injury, concussion, headaches, blurred vision disrupted memory, cervical strain, whiplash, shearing injury, difficulty with concentration, injuries to the head, neck and back and other injuries as set forth in Plaintiff, Jessica Smith's, medical records.

10. As a direct and proximate result of this motor vehicle accident, Plaintiff, Jessica Smith, has undergone in the past and will continue to undergo great pain, suffering, inconvenience, and an inability to enjoy life and life's pleasures. These injuries have caused serious bodily injury and/or impairment which have substantially interfered with the Plaintiff's normal activities and will continue to do so into the future. Plaintiff, Jessica Smith, has also incurred lost wages and

lost PTO time. Plaintiff, Jessica Smith, and Plaintiff, Christopher Smith, also sustained losses in that their vehicle being driven by Jessica Smith was totaled and the Smiths were required to cancel a scheduled family trip to Walt Disney World. Plaintiff, Jessica Smith, also incurred a loss of tuition relative to Penn State courses she had been taking in the Fall which she was required to retake later.

11. As a direct and proximate result of the foregoing injuries, Plaintiff, Jessica Smith, has sought and continues to seek medical attention as incurred and will continue to incur medical expenses which sums may exceed amounts recoverable pursuant to 75 Pa. C. S. Section 1711.

COUNT I
JESSICA E. SMITH v. GREGORY J. POCKL
NEGLIGENCE

12. Plaintiff, Jessica E. Smith, hereby incorporates by reference Paragraphs 1 through 11 of this Complaint, as if the same were fully set forth herein.

13. The foregoing accident and all of the injuries and damages sustained by Plaintiff, Jessica Smith, set forth herein, are the direct and proximate result of the negligent and careless manner in which Defendant, Gregory Pockl, operated the previously referenced motor vehicle, as follows.

- A. Suddenly and unexpectedly entering the lane of travel of the vehicle in which Plaintiff, Jessica Smith was driving when it was not safe to do so;
- B. Failing to look and assure that the lane of travel was clear of traffic prior to pulling from the Gateway Plaza Center onto Route 30;
- C. Suddenly and unexpectedly proceeding directly into the path of the vehicle which Plaintiff, Jessica Smith, was driving;
- D. Failing to maintain a reasonable outlook for the presence of other motor vehicles on the roadway;

- E. Failing to have his vehicle under proper control;
- F. The Defendant Pockl should have seen the vehicle which Plaintiff, Jessica Smith, was driving, which was on the road in full view of the Defendant Pockl, if he had been exercising reasonable care;
- G. Failing to keep alert and maintain a proper lookout for the presence of other vehicles on the roadway; and
- H. In violating the various statutes, Pennsylvania Vehicle Code, municipal ordinances and policies and procedures pertaining to the operation of motor vehicles on public thoroughfares under the circumstances of this accident.

WHEREFORE, Plaintiff, Jessica E. Smith, demands judgment against the Defendant, Gregory Pockl, in an amount in excess of the jurisdictional limits for compulsory arbitration in the Court of Common Pleas of Bedford County, PA.

COUNT II
JESSICA E. SMITH v. EAN HOLDINGS, LLC
NEGLIGENT ENTRUSTMENT

14. Plaintiff, Jessica E. Smith, hereby incorporates by reference Paragraphs 1 through 13 of this Complaint, as if the same were fully set forth herein.

15. To the extent Defendant, EAN Holdings, LLC, was the owner of the vehicle being driven by Defendant, Gregory Pockl, EAN Holdings, LLC owed a duty of care to only entrust its vehicle to individuals who would operate the vehicle in a manner expected of a reasonably prudent person, and in compliance with the laws and ordinances of the local municipalities and the Commonwealth of Pennsylvania.

16. Plaintiffs believe, and therefore aver, that the Defendant, EAN Holdings, LLC, breached this duty of care by entrusting the previously referenced motor vehicle to Defendant, Gregory Pockl, insofar as his actions on September 18, 2017 in operating said vehicle demonstrated an inability to operate said vehicle in a reasonably prudent manner.

WHEREFORE, Plaintiff, Jessica E. Smith, demands judgment against the Defendant, EAN Holdings, LLC, in an amount in excess of the jurisdictional limits for compulsory arbitration in the Court of Common Pleas of Bedford County, PA.

COUNT III
JESSICA E. SMITH v. GREGORY POCKL AND
EAN HOLDINGS LLC & ENTERPRISE
JOINT AND SEVERALLY

17. Plaintiff, Jessica E. Smith, hereby incorporates by reference Paragraphs 1 through 16 of this Complaint, as if the same were fully set forth herein.

18. As a result of the negligent actions of Defendants, Gregory Pockl and EAN Holdings, LLC, Plaintiff, Jessica Smith has sustained injuries and damages as set forth herein. As such, Defendants are jointly and severally liable to Plaintiff, Jessica Smith, for the injuries, losses, and damages she has sustained as a direct and proximate result of the motor vehicle accident on September 18, 2017.

WHEREFORE, Plaintiff, Jessica E. Smith, demands judgment against the Defendants, Gregory Pockl and EAN Holdings, LLC, in an amount in excess of the jurisdictional limits for compulsory arbitration in the Court of Common Pleas of Bedford County, PA.

COUNT IV
LOSS OF CONSORTIUM
CHRISTOPHER S. SMITH v. GREGORY POCKL AND
EAN HOLDINGS, LLC

19. Plaintiff, Christopher S. Smith, hereby incorporates by reference Paragraphs 1 through 18 of this Complaint, as if the same were fully set forth herein.

20. At all relevant times hereto, Plaintiff, Christopher Smith, was the husband of Plaintiff, Jessica Smith.

21. As a result of the aforementioned injuries, sustained by Plaintiff, Jessica Smith, Plaintiff, Christopher Smith, has been and may be in the future deprived of the care, companionship, consortium and society of her husband, all of which will be to his great detriment and loss. Additionally, Christopher Smith was required to obtain additional jobs in an attempt to make up for lost wages of his wife, Jessica Smith.

WHEREFORE, Plaintiff, Christopher Smith, demands judgment against the Defendants, Gregory Pockl and EAN Holdings, LLC, in an amount in excess of the jurisdictional limits for compulsory arbitration in the Court of Common Pleas of Bedford County, PA.

Respectfully submitted,

WAGNER & FINN Attorneys at Law, P.C.

By:

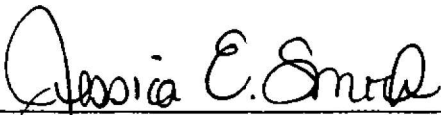


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(814) 944-4700

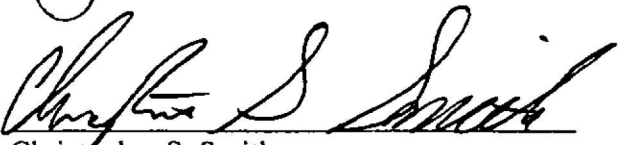
VERIFICATION

We, Jessica E. Smith and Christopher S. Smith, certify that the statements in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.

Dated: 4.24.2019



Jessica E. Smith



Christopher S. Smith

IN THE COURT OF COMMON PLEAS OF BEDFORD COUNTY, PENNSYLVANIA

JESSICA E. SMITH and
CHRISTOPHER S. SMITH,

Plaintiffs

vs.

GREGORY J. POCKL and
EAN HOLDINGS, LLC,

Defendants

CIVIL NO.

JURY TRIAL DEMANDED

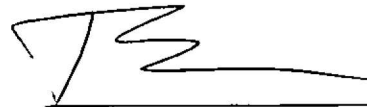
CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing of confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted,

WAGNER & FINN Attorney at Law, P.C.

By:



Thomas P. Finn, Esquire
PA I.D. No. 61960
Attorney for Plaintiff
153 Lakemont Park Boulevard
Altoona, PA 16602
(814) 944-4700